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OFFICE OF PETITIONS

In re Application of	:	
Stephen Alan Foxon	:	
Application No. 10/816,263	:	DECISION DISMISSING PETITION
Filed: March 31, 2004	:	UNDER 37 CFR 1.313(a)
Attorney Docket No. 072819.0157	:	

This is a decision on the petition under 37 CFR 1.313(a), filed September 26, 2006, requesting withdrawal of the above-identified application from issue.

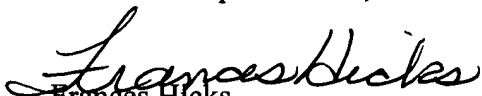
The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance was mailed on July 11, 2006, with the issue fee being due on or before October 11, 2006. There is no indication that the issue fee has been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3218.

The matter is being referred to Technology Center AU 1771 for appropriate processing of the RCE filed September 26, 2006.


Frances Hicks
Petitions Examiner
Office of Petitions